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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Matthew Alan Hertel  
P.O. Box 3466  
Running Springs, CA 92382

Physical Therapist No. AT 6704

Respondent.

Case No. 1D 2005 64281

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
Therapy Board of California ("Board"). He brought this action solely in his official capacity and  
is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Tan  
N. Tran, Deputy Attorney General.

2. Matthew Alan Hertel (Respondent) is representing himself in this  
proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about June 25, 2004, the Board issued Physical Therapist Assistant  
License No. AT 6704 to Matthew Alan Hertel (Respondent). The License was in full force and  
effect at all times relevant to the charges brought in Accusation No. 1D 2005 64281 and will  
expire on December 31, 2007, unless renewed.

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1 CIRCUMSTANCES IN MITIGATION

2 10. Respondent Matthew Alan Hertel has never been the subject of any  
3 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

4 RESERVATION

5 11. The admissions made by Respondent herein are only for the purposes of  
6 this proceeding, or any other proceedings in which the Physical Therapy Board of California or  
7 other professional licensing agency is involved, and shall not be admissible in any other criminal  
8 or civil proceeding.

9 CONTINGENCY

10 12. This stipulation shall be subject to approval by the Physical Therapy Board  
11 of California. Respondent understands and agrees that counsel for Complainant and the staff of  
12 the Physical Therapy Board of California may communicate directly with the Board regarding  
13 this stipulation and settlement, without notice to or participation by Respondent. By signing the  
14 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
18 action between the parties, and the Board shall not be disqualified from further action by having  
19 considered this matter.

20 13. The parties understand and agree that facsimile copies of this Stipulated  
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
22 force and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties  
24 agree that the Board may, without further notice or formal proceeding, issue and enter the  
25 following Disciplinary Order:

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Respondent Matthew Alan Hertel, holder of  
28 Physical Therapist Assistant License No. AT 6704, shall be publicly reprovved by the Physical

1 Therapy Board of California for violating Business and Professions Code sections 2660(d)(i),  
2 2661, 2239(a), 490, and California Code of Regulations, title 16, section 1399.20, subdivision (a)  
3 as set forth in Accusation No.1D 2005 64281, and shall comply with the following terms and  
4 conditions. A copy of the public reproof is attached as Exhibit B and is incorporated here as if  
5 fully set forth.

6 1. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING  
7 THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this  
8 decision, Respondent shall take and pass the Board's written examination on the laws and  
9 regulations governing the practice of physical therapy in California. If Respondent fails to pass  
10 the examination, Respondent shall be suspended from the practice of physical therapy until a  
11 repeat examination has been successfully passed. Failure to comply with this condition  
12 constitutes a material breach of this order.

13 2. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN  
14 SUBJECT TO PUBLIC REPROVAL It is not contrary to the public interest for the Respondent  
15 to practice and/or perform physical therapy after issuance of the public reproof. Accordingly, it  
16 is not the intent of the Board that this order or the fact that the Respondent has been publicly  
17 reproved shall be used as the sole basis for any third party payor to remove Respondent from any  
18 list of approved providers.

19 3. FAILURE TO COMPLY WITH ORDER A material breach by  
20 Respondent of this order shall constitute unprofessional conduct and shall be a basis for further  
21 disciplinary action by the Board. In such circumstances, the Complainant may reinstate the  
22 Accusation in case number 1D 2005 64281, file an amended accusation and/or file a  
23 supplemental accusation alleging any material breach of this order by Respondent as  
24 unprofessional conduct.

#### 25 ACCEPTANCE

26 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
27 understand the stipulation and the effect it will have on my Physical Therapist License. I enter  
28 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,

1 and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

2 DATED: May 15, 2006.

3  
4 Original Signed By: \_\_\_\_\_  
5 Matthew Alan Hertel  
6 Respondent

7  
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Physical Therapy Board of California of the Department of  
11 Consumer Affairs.

12  
13 DATED: June 5, 2006.

14 BILL LOCKYER, Attorney General  
15 of the State of California

16  
17 Original Signed By: \_\_\_\_\_  
18 TAN N. TRAN  
19 Deputy Attorney General  
20 Attorneys for Complainant

21 Hertel Stipulated Decision.wpd  
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**Exhibit A**

**Accusation No. 1D 2005 64281**

**Exhibit B**  
**Public Reproval**





**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64281

Matthew Alan Hertel  
Post Office Box 3466  
Running Springs, California 92382

Physical Therapist Assistant No. AT 6704

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 26, 2006.

It is so ORDERED June 27, 2006.

Original Signed By:  
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
Don A Chu, PhD, PT, President